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09/914,297	12/18/2001	Chaim D. Shen-Orr	U013616-0	3971
140 7590 12/27/2006 LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER HENNING, MATTHEW T	
			ART UNIT 2131	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/914,297	Applicant(s) SHEN-ORR ET AL.	
	Examiner Matthew T. Henning	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-90, 92-122, 124-140 and 155-186 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 84-90, 92-122, 124-140 and 155-186 is/are rejected.
- 7) ☒ Claim(s) 165, 171 and 172 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/17/2006, 10/6/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

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1 This action is in response to the communication filed on 10/6/2006.

2 **DETAILED ACTION**

3 ***Response to Arguments***

4 Applicant's arguments filed 10/6/2006 have been fully considered but they are not
5 persuasive.

6 Regarding applicants' argument regarding claims 113, and 155, that the permission
7 message of Saito is not specific for said end user device (or the group of user devices). The
8 applicants appear to be interpreting this limitation as requiring uniqueness of the permission
9 message, which is not claimed. The permission message is specific to the users for which it
10 grants permission. As such the examiner does not find the argument persuasive.

11 Applicants' arguments with respect to independent claims 84, 105, 124, and 181 have
12 been considered but are moot in view of the new ground(s) of rejection.

13 All objections and rejections not presented below have been withdrawn.

14 ***Response to Amendment***

15 In response to the amendment presented 10/6/2006, the examiner notes that claim 88 is
16 missing. However, since this would have been the 4th notice of non-compliant amendment in a
17 row, and in order to further prosecution, the examiner has made the assumption, based on the
18 three previous amendments, that the unnumbered claim between claim 87 and 89 is meant to be
19 claim 88.

20 Furthermore, claim 165 is labeled as "NEW" and does not show any markings which
21 indicate the amendments to the claims language. This, however, is misleading because the claim
22 is not "NEW" and in fact is an amended version of the previously presented claim 165.

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1 Please correct these issues in any future response.

2 Also, the examiner strongly advises the applicants to carefully review all future
3 amendments for compliancy with 37 CFR 1.121.

4 ***Information Disclosure Statement***

5 The information disclosure statement(s) (IDS) submitted on 4/17/2006 and 10/6/2006 are
6 in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the
7 information disclosure statements.

8 ***Drawings***

9 Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that
10 which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37
11 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.
12 The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37
13 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not
14 accepted by the examiner, the applicant will be notified and informed of any required corrective
15 action in the next Office action. The objection to the drawings will not be held in abeyance.

16 The remarks submitted on 10/6/2006, Page 21 states that replacements drawings were
17 submitted. However, no replacement drawings have been received. As such, the examiner has
18 maintained this objection, and once again, this objection will not be held in abeyance.

19 ***Claim Objections***

20 Claims 165, 171-172 are objected to because of the following informalities:

21 Claim 165 recites the variable 'r' but does not provide any explanation as to the
22 definition of the variable. Appropriate correction is required.

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1 Claims 171 and 172 recites the limitation "the second end user device, which lacks
2 antecedent basis in the claim language. The examiner will assume that the limitation was meant
3 to read "at the end user device".
4

5 ***Claim Rejections - 35 USC § 102***

6 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
7 basis for the rejections under this section made in this Office action:

8 *A person shall be entitled to a patent unless –*

9 *(e) the invention was described in (1) an application for patent, published under section*
10 *122(b), by another filed in the United States before the invention by the applicant for patent or*
11 *(2) a patent granted on an application for patent by another filed in the United States before the*
12 *invention by the applicant for patent, except that an international application filed under the*
13 *treaty defined in section 351(a) shall have the effects for purposes of this subsection of an*
14 *application filed in the United States only if the international application designated the United*
15 *States and was published under Article 21(2) of such treaty in the English language.*
16

17 Claims 105-110, and 171-175 are rejected under 35 U.S.C. 102(e) as being anticipated by
18 Maillard (Patent Number 6,393,562).

19 Regarding claim 105, Maillard disclosed a method for securing digital content for
20 transmission to an end user device, comprising: providing a control center for controlling access
21 to the digital content by the end user device (See Maillard Col. 5 Paragraph 1 Conditional Access
22 System 3000); transmitting scrambled digital content to the end user device, the scrambled
23 digital content comprising at least an embedded original entitlement control message (ECM) and
24 playable content, the embedded original ECM controlling, at least in part, access to the
25 scrambled digital content, such that the end user device cannot play back said scrambled digital
26 content (See Maillard Col. 4 Last Paragraph and Background of the Invention First Paragraph);

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1 transmitting a PECM (EMM) to the end user device by said control center, said PECM being
2 specific to the end user device (See Maillard Col. 3 Lines 46-55); and unscrambling said
3 scrambled digital content by the end user device according to said PECM (See Maillard Col. 6
4 Paragraph 1).

5 Regarding claim 106, Maillard disclosed that transmitting said PECM further comprises:
6 transmitting a first set of information in an ECM (entitlement control message) for decoding said
7 scrambled digital content to the end user device (See Maillard Background of the Invention);
8 permitting the end user device to access said first set of information only if an entitlement
9 management message (EMM) is given to the end user device and said EMM indicates that the
10 end user device is permitted to use said ECM (See Maillard Col. 6 Paragraph 1); and
11 unscrambling said scrambled digital content by the end user device according to said first set of
12 information (See Maillard Col. 6 Paragraph 1).

13 Regarding claim 107, Maillard disclosed that said EMM is transmitted by said control
14 center (See Maillard Col. 2 Lines 42-48 and Col. 5 Paragraphs 1-2).

15 Regarding claim 108, Maillard disclosed replacing said ECM with said PECM for
16 unscrambling said scrambled digital content by the end user device (See Maillard Col. 8
17 Paragraph 1).

18 Regarding claim 109, Maillard disclosed that said first set of information includes at least
19 one instruction for generating a code word, such that permitting the end user device to access
20 said first set of information includes: generating said code word according to said at least one
21 instruction; and unscrambling said scrambled digital content according to said code word (See
22 Maillard Col. 2 Lines 49-57).

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1 Regarding claim 110, Maillard disclosed permanently associating said PECM with said
2 scrambled digital content to permit unscrambling of said scrambled digital content by the end
3 user device (See Maillard Col. 2 Lines 40-57).

4 Regarding claim 171, Maillard disclosed that the ECM remains embedded in the digital
5 content after the receipt of the PECM at the second end user device (See Maillard Background of
6 the Invention Paragraph 1).

7 Regarding claims 172-173, Maillard disclosed that the ECM comprises an address for a
8 network control center, the network control center being the network control center the end user
9 device must contact in order to receive a permission message to unscramble the scrambled digital
10 content and that the permission message comprises a PECM (personalized ECM) (See Maillard
11 Col. 5 Lines 45-59).

12 Regarding claims 174-175, Maillard disclosed that the ECM comprises at an indication
13 that the scrambled digital content comprises purchasable content (See Maillard Col. 5 Paragraph
14 1); a unique identifier for the scrambled digital content (See Maillard Col. 2 Lines 49-57); and a
15 conditional access service identifier for a group which is allowed to purchase the scrambled
16 digital content (See Maillard Col. 2 Lines 49-57), and that the ECM further comprises at least
17 one of: a base price for the scrambled digital content; an indication of rental duration for the
18 digital content; a price for extending rental duration; an indication of a number of renderings of
19 the digital content; and a price for outright ownership of the digital content (See Maillard Col. 3
20 Last Paragraph).

21

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1 Claims 113-122, and 155-165, are rejected under 35 U.S.C. 102(e) as being anticipated
2 by Saito et al. (US Patent Number 6,069,952) hereinafter referred to as Saito.

3 Regarding claim 113, Saito disclosed a system for securing digital content for
4 transmission (See Saito Abstract), comprising: (a) an end user device for receiving scrambled
5 digital content and for unscrambling said scrambled digital content for playing back the digital
6 content (See Saito Col. 4 Lines 24-36); (b) a broadcast unit for transmitting said scrambled
7 digital content to said end user device (See Saito Col. 6 Lines 11-30); (c) a permission message
8 generator (See Saito Fig. 1 Element 10) for generating a permission message for transmission to
9 said end user device, such that said end user device unscrambles said scrambled digital content
10 only after said permission message is at least received by said end user device, said permission
11 message being specific for said end user device (See Saito Col. 6 Lines 39-56); and (d) a
12 subscription management system for controlling said permission message generator to determine
13 whether said permission message is generated (See Saito Col. 6 Lines 49-56).

14 Regarding claim 155, Saito disclosed a method for securing digital content for
15 transmission to a plurality of end user devices, said plurality of end user devices being members
16 of a group (See Saito Abstract), the method comprising: transmitting scrambled digital content to
17 a first end user device, such that said first end user device cannot play back said scrambled
18 digital content (See Saito Col. 4 Line 62 – Col. 5 Line 5); transmitting a PECM (personal ECM)
19 to said first end user device, said PECM being specific to the group of end user devices (See
20 Saito Col. 6 Lines 11-24); transmitting said scrambled digital content from said first end user
21 device to a second end user device, such that said second end user device cannot play back said
22 scrambled digital content (See Saito Col. 6 Lines 25-30); transmitting said PECM (personal

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1 ECM) to said second end user device (See Saito Col. 6 Lines 39-56); and unscrambling said
2 scrambled digital content by said first and said second end user devices according to said PECM
3 (See Saito Col. 6 Lines 18-24 and 57-62).

4 Regarding claim 114, Saito disclosed a network for connecting said end user device, said
5 broadcast unit, said permission message generator and said subscription management system
6 (See Saito Fig. 1 Element 8).

7 Regarding claim 115, Saito disclosed that said permission message generator sends said
8 permission message to said subscription management system, and said subscription management
9 system transmits said permission message to said end user device (See Saito Col. 6 Lines 39-56
10 and Col. 14 Lines 54-56).

11 Regarding claim 116, Saito disclosed transmitting a first set of information for decoding
12 said scrambled digital content to said second end user device (See Saito Col. 4 Lines 62-67 and
13 Col. 6 Lines 31-38); and permitting said second end user device to access said first set of
14 information only if said permission message is given to said second end user device (See Saito
15 Col. 6 Lines 31-63).

16 Regarding claim 117, Saito disclosed that said end user device further comprises a
17 security module for receiving said ECM and said PECM, and for unscrambling said scrambled
18 digital content for playing back the digital content upon receipt of at least one of said ECM and
19 said PECM (See Saito Col. 6 Lines 39-63).

20 Regarding claims 118-119, and 122, Saito disclosed that said security module further
21 comprises a renewable security submodule, said renewable security submodule being removable
22 and replaceable (See Saito Col. 38 Lines 31-43), wherein said renewable security submodule

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1 comprises a smartcard (See Saito Col. 38 lines 3-12), and a smartcard reader for reading said
2 smartcard, said smartcard reader being separate from said end user device, such that data
3 produced by said smartcard is readable by said smartcard reader, including data resulting from
4 slots, said slots being comprised in the smartcard and associated with a plurality of ECMs, said
5 data being readable as a coded reply (See Saito Col. 38 Lines 3-43).

6 Regarding claims 120-121, Saito disclosed that said security module features a limited
7 number of slots for being associated with a plurality of ECMS, such that if said limited number
8 of slots are used, a PECM corresponding to at least one stored ECM must be received before an
9 additional ECM is received by said end user device (See Saito Col. 38 Lines 31-43), wherein
10 information concerning said slots is stored on said security module (See Saito Col. 38 Lines 52-
11 65).

12 Regarding claim 156, Saito disclosed that the first set of information is distributed by said
13 control center (See Saito Col. 6 Lines 39-56).

14 Regarding claim 157, Saito disclosed sending the PECM from the first device to the
15 second device (See Saito Col. 6 Lines 31-38).

16 Regarding claim 158, Saito disclosed that transmitting said token is performed repeatedly
17 for the plurality of end user devices in the group until a limit is reached (See Saito Col. 14 Lines
18 13-16).

19 Regarding claim 159, Saito disclosed that if said number of end user devices exceeds a
20 maximum permitted number, transmitting said scrambled digital content and transmitting said
21 permission message are not performed for an additional end user device (See Saito Col. 14 Lines
22 13-16 and Col. 6 Lines 49-56).

Regarding claim 160, Saito disclosed that the limit is determined according to at least on reasonableness rule (See Saito Col. 14 Lines 13-16).

Regarding claim 161, Saito disclosed that the limit is determined according to at least one reasonableness rule and wherein said at least one reasonableness rule restricts a number of copies of said scrambled digital content operable with said token (See Saito Col. 6 Lines 9-10 and 49-56, and Col. 14 Lines 13-16).

Regarding claim 162, Saito disclosed that when the limit is reached, at least one of transmitting said scrambled digital content and transmitting said permission message is not performed (See Saito Col. 6 Lines 9-10 and 49-56).

Regarding claim 163, Saito disclosed that at least one reasonableness rule requires at least said first end user device to wait for a predetermined period before transferring said scrambled digital content to an additional end user device in the group (See Saito Col. 5 Line 66 - Col. 6 Line 17).

Regarding claims 164-165, Saito disclosed that the period was at partially determined according to a period of time and operation a minimum number of times (See Saito Col. 5 Line 66 – Col. 6 Line 62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1
2 Claims 84-90, 92-104, 111-112, 124-140, 166-170, and 176-186 are rejected under 35
3 U.S.C. 103(a) as being unpatentable over Maillard (US Patent Number 6,393,562), and further in
4 view of Saito et al. (US Patent Number 6,069,952) hereinafter referred to as Saito.

5 Regarding claim 84, Maillard disclosed A method for flexible and secure transmission of
6 digital content to a first end user device (See Maillard Col. 4 Lines 45-67), the method
7 comprising: providing a control center for controlling access to the digital content by the first
8 end user device (See Maillard Col. 5 Paragraph 1 Conditional Access System 3000); and
9 transmitting scrambled digital content to the first end user device, wherein the transmitted
10 scrambled digital content comprises at least an embedded original entitlement control message
11 (ECM) and playable content, the embedded original ECM controlling, at least in part, access to
12 the scrambled digital content by the first end user device (See Maillard Background of the
13 invention), but Maillard failed to disclose transmitting scrambled digital content to the second
14 end user device by the first end user device, such that said second end user device cannot play
15 back said scrambled digital content; connecting said second end user device to said control
16 center; and transmitting a permission message to said second end user device by said control
17 center, such that said second end user device is able to unscramble said scrambled digital content
18 to form unscrambled digital content. However Maillard did disclosed connecting said first end
19 user device to said control center (See Maillard Col. 5 Paragraph 1); and transmitting a
20 permission message (EMM) to said first end user device by said control center, such that said
21 first end user device is able to unscramble said scrambled digital content to form unscrambled
22 digital content (See Maillard Background of the Invention Paragraph 1).

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1 Saito teaches that in a content distribution system, an authorized user can send encrypted
2 content to an unauthorized user, at which point the unauthorized user can contact a control center
3 to receive authorization and a decryption key for the content (See Saito Col. 5 Line 20 – Col. 6
4 Line 63).

5 It would have been obvious to the ordinary person skilled in the art at the time of
6 invention to employ the teachings of Saito in the content distribution system of Maillard by
7 transmitting scrambled digital content to the second end user device by the first end user device,
8 such that said second end user device cannot play back said scrambled digital content;
9 connecting said second end user device to said control center (conditional access system 3000);
10 and transmitting a permission message to said second end user device by said control center
11 (EMM), such that said second end user device is able to unscramble said scrambled digital
12 content to form unscrambled digital content. This would have been obvious because the
13 ordinary person skilled in the art would have been motivated to allow more flexible content
14 distribution through “peer-to-peer” transfer, while maintaining access control to the copyrighted
15 data.

16 Regarding claim 124, Maillard disclosed receiving scrambled digital content by a first
17 end user device, the scrambled digital content comprising at least an entitlement control message
18 (ECM) and playable content (See Maillard Col. 4 Last Paragraph and Background of the
19 Invention First Paragraph); receiving a permission message for unscrambling said scrambled
20 digital content by said first end user device, the permission message comprising an entitlement to
21 unscramble the scrambled digital content according to the ECM (See Maillard Col. 3 Lines 46-
22 55), but Maillard failed to disclose transferring said scrambled digital content and the ECM

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1 directly from said first end user device to a second end user device; and unscrambling said
2 scrambled digital content by said second end user device according to the ECM only after said
3 permission message is activated for said second end user device.

4 Saito teaches that in a content distribution system, an authorized user can send encrypted
5 content to an unauthorized user, at which point the unauthorized user can contact a control center
6 to receive authorization and a decryption key for the content (See Saito Col. 5 Line 20 – Col. 6
7 Line 63).

8 It would have been obvious to the ordinary person skilled in the art at the time of
9 invention to employ the teachings of Saito in the content distribution system of Maillard by
10 transferring said scrambled digital content and the ECM directly from said first end user device
11 to a second end user device; and unscrambling said scrambled digital content by said second end
12 user device according to the ECM only after said permission message is activated for said second
13 end user device. This would have been obvious because the ordinary person skilled in the art
14 would have been motivated to allow more flexible content distribution through “peer-to-peer”
15 transfer, while maintaining access control to the copyrighted data.

16 Regarding claim 181, Maillard disclosed a method for securing digital content for
17 transmission to a plurality of end user devices, said plurality of end user devices being members
18 of a group, the method comprising: transmitting scrambled digital content to a first end user
19 device, such that said first end user device cannot play back said scrambled digital content, the
20 scrambled digital content comprising an entitlement control message (ECM) and playable
21 content (See Maillard Col. 4 Last Paragraph and Background of the Invention First Paragraph);
22 transmitting a PECM (personal ECM) to said first end user device, said PECM being specific to

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1 the group of end user devices (See Maillard Col. 3 Lines 46-55), but Maillard failed to disclose
2 transmitting said scrambled digital content from said first end user device to a second end user
3 device, such that said second end user device cannot play back said scrambled digital content;
4 transmitting said PECM (personal ECM) to said second end user device; and unscrambling said
5 scrambled digital content by said first and said second end user devices according to said PECM.

6 Saito teaches that in a content distribution system, an authorized user can send encrypted
7 content to an unauthorized user, at which point the unauthorized user can contact a control center
8 to receive authorization and a decryption key for the content (See Saito Col. 5 Line 20 – Col. 6
9 Line 63).

10 It would have been obvious to the ordinary person skilled in the art at the time of
11 invention to employ the teachings of Saito in the content distribution system of Maillard by
12 transmitting said scrambled digital content from said first end user device to a second end user
13 device, such that said second end user device cannot play back said scrambled digital content;
14 transmitting said PECM (personal ECM) to said second end user device; and unscrambling said
15 scrambled digital content by said first and said second end user devices according to said PECM.
16 This would have been obvious because the ordinary person skilled in the art would have been
17 motivated to allow more flexible content distribution through “peer-to-peer” transfer, while
18 maintaining access control to the copyrighted data.

19 Regarding claim 85, the combination of Maillard and Saito disclosed transmitting a first
20 set of information for decoding said scrambled digital content to said second end user device;
21 and permitting said second end user device to access said first set of information only if said

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1 permission message is given to said second end user device (See the rejection of claim 106
2 above).

3 Regarding claim 86, the combination of Maillard and Saito disclosed that the first set of
4 information is distributed with said scrambled digital content (See Maillard Col. 2 Lines 49-57).

5 Regarding claim 87, the combination of Maillard and Saito disclosed that the first set of
6 information is distributed by said control center (See the rejection of claim 107 above).

7 Regarding claim 88, the combination of Maillard and Saito disclosed that transmitting
8 said scrambled digital content includes contacting said control center by said second end user
9 device to receive said permission message (See the rejection of claim 84 above).

10 Regarding claim 89, the combination of Maillard and Saito disclosed that said first set of
11 information includes an address of said control center (See Maillard Col. 5 Lines 45-59).

12 Regarding claim 90, the combination of Maillard and Saito disclosed that said first set of
13 information enables said unscrambled digital content to be permanently stored by said second
14 end user device (See Maillard Col. 5 Paragraph 1).

15 Regarding claims 92-95, and 126-129, the combination of Maillard and Saito disclosed
16 that said first and said second end user devices belong to a group of a plurality of end user
17 devices, such that said permission message is sent to each end user device belonging to said
18 group (See Maillard Col. 2 Lines 40-48); wherein membership in said group is at least partially
19 determined according to communication between said end user devices (See Maillard Col. 2
20 Lines 40-48); wherein transmitting said permission message further comprises transmitting a
21 token from said first end user device to said second end user device, for including said first and
22 said second end user devices in said group (See the rejection of claim 84 above and Saito Col. 6

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1 Lines 31-38); wherein transmitting said token is performed repeatedly for the plurality of end
2 user devices in the group until a limit is reached (See the rejection of claim 84 above and Col. 14
3 Lines 13-16).

4 Regarding claims 96-97, and 130-131, the combination of Maillard and Saito disclosed
5 that said limit is determined according to a number of end user devices in the group, such that if
6 said number of end user devices exceeds a maximum permitted number, transmitting said
7 scrambled digital content and transmitting said permission message are not performed for an
8 additional end user device (See Saito Col. 14 Lines 13-16 and Col. 6 Lines 49-56); and wherein
9 said limit is determined according to at least one reasonableness rule (See Saito Col. 14 Lines
10 13-16).

11 Regarding claims 98, and 132, the combination of Maillard and Saito disclosed that said
12 limit is determined according to at least one reasonableness rule and wherein said at least one
13 reasonableness rule restricts a number of copies of said scrambled digital content operable with
14 said token (See Saito Col. 6 Lines 9-10 and 49-56 and Col. 14 Lines 13-16).

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1 Regarding claims 99, and 133, the combination of Maillard and Saito disclosed that when
2 the limit is reached, at least one of transmitting said scrambled digital content and transmitting
3 said permission message is not performed (See Saito Col. 6 Lines 9-10 and 49-56).

4 Regarding claims 100, and 134, the combination of Maillard and Saito disclosed that at
5 least one reasonableness rule requires at least said first end user device to wait for a
6 predetermined period before transferring said scrambled digital content to an additional end user
7 device in the group (See Saito Col. 5 Line 66 - Col. 6 Line 17).

8 Regarding claims 101, and 135, the combination of Maillard and Saito disclosed that the
9 wait period was greater for a second user than a first user (See Saito Col. 6 Line 11 – Col. 7 Line
10 31).that the wait period was greater for a second user than a first user (See Saito Col. 6 Line 11 –
11 Col. 7 Line 31).

12 Regarding claims 102-103, and 136-137, the combination of Maillard and Saito disclosed
13 that the period was at partially determined according to a period of time and operation a
14 minimum number of times (See Saito Col. 5 Line 66 – Col. 6 Line 62).

15 Regarding claim 125, the combination of Maillard and Saito that at least said second end
16 user device is in communication with a control center and said permission message is activated
17 for said second end user device by said control center (See the rejection of claim 124 above).

18 Regarding claims 104, and 138, the combination of Maillard and Saito that membership
19 in said group is at least partially determined according to said control center, such that if said
20 group has more than a predetermined number of end user devices as members, said control
21 center blocks receipt of said permission message by members of said group (See Saito Col. 6
22 Lines 9-10 and 49-56, and Col. 14 Lines 13-16).

1 Regarding claims 111, 112, and 139, the combination of Maillard and Saito disclosed
2 transmitting said scrambled digital content with said ECM from a first end user device to a
3 second end user device (See the Rejection of claim 84 above); receiving a specific PECM by said
4 second end user device from said control center (See the Rejection of claim 84 above); and
5 unscrambling said scrambled digital content by said second end user device only after receiving
6 said specific PECM (See the Rejection of claim 84 above), wherein receiving said specific
7 PECM by said second end user device includes: transmitting payment to said control center (See
8 Maillard Col. 6 Paragraph 2); and transmitting said PECM by said control center only after
9 receiving payment (See Maillard Col. 6 Paragraph 2).

10 Regarding claim 140, the combination of Maillard and Saito disclosed that said
11 permission message is operative only by said first end user device, such that if said permission
12 message is transferred to said second end user device by said first end user device, said
13 permission message cannot be used by said second end user device (See Maillard Col. 2 Lines
14 40-48).

15 Regarding claims 166, 176, and 182, Maillard and Saito disclosed that the ECM remains
16 embedded in the digital content after the receipt of the PECM at the second end user device (See
17 Maillard Background of the Invention Paragraph 1).

18 Regarding claims 167-168, 177-178, and 183-184, Maillard and Saito disclosed that the
19 ECM comprises an address for a network control center, the network control center being the
20 network control center the second end user device must contact in order to receive a permission
21 message to unscramble the scrambled digital content and that the permission message comprises
22 a PECM (personalized ECM) (See Maillard Col. 5 Lines 45-59).

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Regarding claims 169-170, 179-180, and 185-186, Maillard and Saito disclosed that the ECM comprises at an indication that the scrambled digital content comprises purchasable content (See Maillard Col. 5 Paragraph 1); a unique identifier for the scrambled digital content (See Maillard Col. 2 Lines 49-57); and a conditional access service identifier for a group which is allowed to purchase the scrambled digital content (See Maillard Col. 2 Lines 49-57), and that the ECM further comprises at least one of: a base price for the scrambled digital content; an indication of rental duration for the digital content; a price for extending rental duration; an indication of a number of renderings of the digital content; and a price for outright ownership of the digital content (See Maillard Col. 3 Last Paragraph).

Conclusion

Claims 84-90, 92-122, 124-140, and 155-186 have been rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

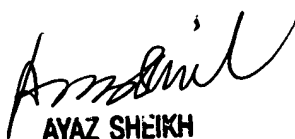
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1 Any inquiry concerning this communication or earlier communications from the
2 examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.
3 The examiner can normally be reached on M-F 8-4.

4 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
5 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the
6 organization where this application or proceeding is assigned is 571-273-8300.

7 Information regarding the status of an application may be obtained from the Patent
8 Application Information Retrieval (PAIR) system. Status information for published applications
9 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
10 applications is available through Private PAIR only. For more information about the PAIR
11 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
12 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would
13 like assistance from a USPTO Customer Service Representative or access to the automated
14 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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22 Matthew Henning
23 Assistant Patent Examiner
24 Art Unit 2131
25 12/20/2006


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